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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/095,678 | 06/10/1998 | SATOSHI NAKAYAMA | 1232-4445 | 9911 |

7590

05/02/2003

MORGAN & FINNEGAN
345 Park Avenue
New York, NY 10154

EXAMINER

VILLECCO, JOHN M

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 05/02/2003

9 *[Signature]*

Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 09/27/2002

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Suite 960
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DATE MAILED: 09/27/2002

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Office Action Summary

Application No.

09/095,678

Applicant(s)

NAKAYAMA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election with traverse of claims 1-5 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that no additional "serious" burden would be placed on the examiner. This is not found persuasive because each of the invention require completely different search areas. Claims 1-5 are drawn to a flashlight control means for an electronic camera based upon the vertical sync pulse, classified in class 348, subclass 371. Claims 6-9 are drawn to a camera that includes a flashlight and a frame generating means for framing the boundaries of the illumination range classified in class 348, subclass 333.03.
2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

3. The drawings are objected to under 37 CFR 1.83(o). Suitable descriptive legends are required for proper understanding of the drawings. Therefore, the blank boxes with reference numbers 102-108, shown in Figure 1, reference numbers 202-208, shown in Figure 2, and reference numbers 302-311, shown in Figure 3, should be labeled so the drawing can be properly understood

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally **limited to a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

5. Claim 3 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Noble et al. (U.S. Patent No. 4,805,037).

8. Noble discloses an image recording system that uses a flash to illuminate a scene which is being recorded. The use of the flash is capable of being operated in a plurality of modes – one of which being a trailing edge mode. A synchronization control logic circuit operates to control the termination of the illumination from the flash (22) according to the detection of the vertical blanking signal (VBLK) (220B). Once the vertical blanking signal is detected the synchronization control circuit deasserts the flash trigger signal (FTGR), thus terminating the flash. See column 12, lines 10-20 and Figure 7. The synchronization control logic circuit (80) serves as both the flashlight control means and the detecting means.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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10. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Suh (U.S. Patent No. 5,946,035).

11. Suh discloses a camera that issues a control signal to initiate an illumination means for initiating illumination. The camera inherently detects the vertical sync signal using a detecting means and uses a first flashlight control means to compute a light emission time. The computation of the light emission time serves as the first flashlight control means since it determines when the light is going to be terminated. Since the first flashlight control means is computing time for the flashlight to be active, the system would inherently have to have some sort of timer or counter which would commence with the initiating of the illumination means. Furthermore, since the flash is operated with the vertical synchronous system there is inherently a mechanism in place to determine the when the vertical synchronous signal occurs. Figure 2 shows that the flashlight emission is initiated synchronously with the vertical synchronous signal. Finally, when the time which was calculated by the first flashlight control means expires, the flashlight emission is terminated.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noble et al. (U.S. Patent No. 4,805,037) in view of Tanabe et al. (U.S. Patent No. 5,091,340).

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14. As mentioned above in the discussion of claim 1, Noble discloses all of the limitations of the parent claim. Additionally Noble discloses that the synchronization control logic circuit (80) serves to initiate the flash using a high flash trigger signal (FTGR). However, Noble fails to disclose a counter that starts counting upon initiation of a photographing sequence or that the flash is initiated once the counter reaches a specified value. Tanabe, on the other hand, discloses a flash that waits a predetermined count number after an exposure is initiated before initiating the flash. Figure 4a shows that the exposure is initiated (#25) and once timer 1 expires a flash emitted (#28). The timer serves as the counter in this instance since it is counting down to a specified value. Tanabe discloses that a specified amount of time is counted before the emission of the flash so that the CCD has the time to sweep out unnecessary charges from the vertical transfer CCD (col. 5, lines 41-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a counter to wait a specified amount of time before a flash is initiated so that any unnecessary charges can be sweep out before the flash is emitted thus forming a better image.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (U.S. Patent No. 5,946,035) in view of Tohyama (U.S. Patent No. 5,956,535).

16. As mentioned above in the discussion of claim 4, Suh discloses all of the limitations of the parent claim. However, Suh fails to disclose that the flashlight device is a flat light emission device which can afford continuously a constant luminous quantity. Tohyama, on the other hand, discloses a flat emission flash system for use in a camera. The lamp (107) emits a constant light amount for a predetermined amount of time (see abstract). Figure 3a shows the emission of

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the flash over a period of time. The flat emission flash allows for a uniform flash for a prescribed amount of time thus ensuring a high quality flash over the integration period. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a flat emission flash in the camera of Suh to ensure a quality flash emission of photographing.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



JMV
9/18/02



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600